property designed for the manufacture of liquor intended for use in violating this title or which has been so used, and no property rights shall exist in any such liquor or property. Apparently no federal cases have arisen upon the construction of the latter part of this section. But admittedly this section does not apply to liquors held in storage by their owner and lawfully acquired prior to the enactment of the National Prohibition Act to be used by the owner and his family, as to which there is a sufficient claim of property to sustain an indictment for burglary or larceny. *Street* v. *Lincoln Safe Dep. Co.*, 254 U. S. 88, 10 A. L. R. 1548, 7 VA. LAW REV. 400 (1921). That is to say, the Eighteenth Amendment and the National Prohibition Act do not destroy property rights in intoxicating liquors lawfully acquired before the passage of the Volstead Act, and do not forbid the lawful possession thereof. *Hall* v. *Moran* (Fla.), 89 So. 104 (1921); section 33 of the National Prohibition Act. And contrary to the holding of the instant case it has been held that although liquor is contraband and without value under the National Prohibition Act unless purchased and held under a government permit it may nevertheless be the subject of burglary. *People* v. *Wilson* (Ill.), 131 N. E. 609 (1921)

MARRIAGE AND DIVORCE—RECOGNITION OF FOREIGN DIVORCE BY MATRIMONIAL DOMICIL.—The defendant and Lescher were married and cohabited in Missouri. Later they moved to Texas, which was their last matrimonial domicil. After two years, Lescher left the defendant and went to Nevada. The defendant never went to Nevada. Lescher obtained a divorce in Nevada upon constructive service of process upon the defendant, who neither answered nor appeared. The defendant then removed to Washington, D. C. where she married the plaintiff, a citizen of New York. A few days after this marriage, the parties separated and have never since lived together. The plaintiff then brought this action in a New York court to annul his marriage with the defendant on the grounds that the defendant's previous marriage was still in effect. *Held*, the validity of the second marriage depends upon the law of the domicil of the defendant when it occurred; the evidence not showing clearly how the Texas Courts ruled on such a divorce, a new trial was ordered to determine how Texas regards such a decree. *Ball* v. *Cross* (N. Y.), 132 N. E. 106 (1921).

In general, while every State has the right to determine the status of its own citizens, it cannot control or regulate the status of citizens of another State. It will be seen, however, upon reviewing the authorities upon questions of foreign divorce, that the controlling factor is domicil, and the validity of a foreign divorce may at any time be made the subject of inquiry upon the question of whether the court granting the divorce had jurisdiction. *Andrews* v. *Andrews*, 188 U. S. 14 (1903); *Reed* v. *Reed*, 52 Mich. 117, 17 N. W. 720, 50 Am. Rep. 247 (1883).

Where both parties are domiciled in the State granting the decree, proper jurisdiction is conferred on that State and the divorce will be valid everywhere. *Bater* v. *Bater*, 4 Ann. Cas. 854 (1906); see also *Cheely* v. *Clayton*, 110 U. S. 701 (1884).

Conversely, where neither party is domiciled in the State, a divorce therein obtained is void for want of jurisdiction. *Bell* v. *Bell*, 181 U. S. 175 (1901); *Streitwolf* v. *Streitwolf*, 181 U. S. 179 (1901); *Dunham* v. *Dunham*, 162 Ill. 589, 44 N. E. 841, 35 L. R. A. 70 (1896).

It is quite generally held, however, that where only one party (usually the plaintiff) is *bona fide* domiciled in the State, it is sufficient to confer jurisdiction and thereby give validity to the decree elsewhere. *Jones* v. *Jones*, 67 Miss. 195, 6 So. 712, 19 Am. St. Rep. 299 (1889); *Hubbell* v. *Hubbell*, 3 Wis. 662, 62 Am. Dec. 702 (1884). The New York Courts, however, hold that no foreign divorce obtained in a State where the plaintiff alone is domiciled, will be valid exterritorially unless the defendant voluntarily appears or is personally served with process within the territorial jurisdiction of the divorce court. *People* v. *Baker*, 76 N. Y. 78, 32 Am. Rep. 274 (1879). The New York view has been adopted by a few other courts. See MINOR, CONFLICT OF LAWS, § 93.

But in all events, the domicil of the party or parties must be *bona fide;* mere colorable residence is not sufficient. *Reed* v. *Reed*, *supra;* So well established is it that domicil is the question upon which jurisdiction should properly depend, that it has been held that where one of the parties acquires a *bona fide* domicil in a State, although she had not resided in that State sufficiently long to satisfy its laws governing the institution of divorce proceedings, a divorce there obtained will be valid in another State, such irregularity not affecting the jurisdiction. *Kern* v. *Field*, 68 Minn. 317, 71 N. W. 393, 64 Am. St. Rep. 479 (1897).

But it has been held that a State need not recognize a decree of divorce granted in a foreign State against one of its citizens upon a constructive service of process. *Haddock* v. *Haddock*, 201 U. S. 562, 5 Ann. Cas. 1 (1906); *People* v. *Baker*, *supra;* *Winston* v. *Winston*, 165 N. Y. 553, 59 N. E. 273 (1901); *Hubbard* v. *Hubbard*, 228 N. Y. 81, 126 N. E. 508 (1920).

The precise point decided in the instant case is, that in determining the validity of a decree of divorce obtained on service by publication in a State other than that of the matrimonial domicil, where neither party is a citizen of New York, New York will feel bound to follow the holdings of the State of matrimonial domicil, accordingly as that State recognizes or refuses to recognize the foreign divorce when the validity of such decree is questioned in its courts by one of its citizens.

MARRIAGE AND DIVORCE—CRUELTY—ATTEMPT TO COMMIT WIFE TO INSANE ASYLUM CONSTITUTES CRUELTY.—The defendant instituted proceedings to have the plaintiff, his wife, committed to the State insane asylum, which proceedings were dismissed by the municipal authorities. The health of the plaintiff was greatly impaired through the strain attending these proceedings. Subsequently the defendant made an unsuccessful attempt to have a conservator appointed to look after the plaintiff's property upon the ground of mental incapacity. Upon these facts the plaintiff brought an action for divorce, alleging cruelty. *Held*, divorce granted. *Michels* v. *Michels* (Me.), 115 Atl. 161 (1921).